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EXAMINER	
DENNISON, JERRY B	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/716,717	HANSEN ET AL.	
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34,42-44,49 and 53-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34,42-44,49 and 53-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment of Application Number 09/716,717 received on 19 August 2005.

2. Claims 1-34, 42-44, 49 and 53-60 are presented for examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 August 2005 has been entered.

Information Disclosure Statement

3. It should be noted that the applicant has submitted an exorbitant amount of prior art on which, on initial consideration, do not all appear to have relevancy or pertinence to the instant invention as claimed. The applicant is requested in response to this office action to point out which of these numerous prior art are pertinent or relevant to the patentability of the invention as claimed in this instant application. It should be noted that it would be advantageous to the applicant to provide a concise explanation of why each of the prior art is being submitted and how it is understood to be relevant. "Concise explanations are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is

aware that one or more are highly relevant to patentability." (See MPEP 609 under subheading "A. CONTENT" and 37 CFR 1.98(b)(5)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-34, 42-44, 49 and 53-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1-34, 42-44, 49 and 53-60 recite, "using a self-describing computer language." It is unclear to Examiner what "self-describing computer language" means. Examiner was unable to find where the Specification goes into detail about what is meant by this limitation except for providing an example, XML. This does not provide enough information to exclude any other computer language. Examiner will interpret "self-describing computer language" as any computer language. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is directed toward a computer program

that is not tangibly embodied in a manner so as to be executable and is thus non-statutory for failing to be in one of the categories of invention.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 7-17, 30, 32, 33, 49, 54, 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Rezvani et al. (U.S. Patent Number 6,686,838).

6. Regarding claims 1, 30, and 49, Rezvani disclosed a method performed by a computer program to register a device with a remote computer, the method comprising:

obtaining feature information stored for the device, the feature information comprising information that is specific to an instance of the device, the feature information comprising an address of the remote computer, the address comprising a known address that is stored prior to installation of the device in a system (Rezvani, col. 1, lines 50-60, col. 15, lines 20-35); and

registering the device with the remote computer by transmitting the feature information to the remote computer at the known address using a self-describing computer language (Rezvani, col. 5, lines 1-6, Rezvani disclosed using programming languages for communications, including formatted markup language, which includes markup languages. XML is a markup language, and by the instant Specification, XML is a self-describing computer language);

wherein the method is performed automatically when the computer program runs, and wherein the method does not require manual intervention (Rezvani, col. 1, lines 37-40).

7. Regarding claims 3, 4, 32, 33, 54, 55, Rezvani disclosed the limitations, substantially as claimed, as described in claims 1, 30, and 49, including using URL's and TCP/IP addresses (col. 4, lines 45-55, col. 15,lines 30-35).

8. Regarding claim 7, Rezvani disclosed the limitations, substantially as claimed, as described in claims 1, 30, and 49, including wherein the remote computer comprises a database for storing feature information (Rezvani, col. 1, lines 54-56).

9. Regarding claim 8, Rezvani disclosed the limitations, substantially as claimed, as described in claim 7, including examining the database to determine if the device was previously registered with the remote computer (Rezvani, col. 14, lines 65-67).

10. Regarding claims 9 and 10, Rezvani disclosed the limitations, substantially as claimed, as described in claim 7, including wherein the feature information is transmitted to the remote computer via a distributed network (Rezvani, col. 1, lines 50-60) including the Internet (Rezvani, col. 2, lines 19-22).

11. Regarding claims 11-13, Rezvani disclosed the limitations, substantially as claimed, as described in claim 9, including wherein the device is connected to the distributed network via, direct network, dial-up, and wireless connections (Rezvani, col. 4, lines 25-60).

12. Regarding claims 14, Rezvani disclosed the limitations, substantially as claimed, as described in claim 7, including wherein the device stores embedded software which controls the device, the embedded software having a first version identifier (Rezvani, col. 9, lines 15-20).

13. Regarding claims 15-17, Rezvani disclosed the limitations, substantially as claimed, as described in claim 14, including wherein the database stores a software update having a second version identifier, the software update comprising a different version of the embedded software (Rezvani, col. 9, lines 18-20, 50-65) and updating based on if the device needs to be updated with newer software (Rezvani, col. 11, line 45 through col. 12, line20).

Claims 1, 3, 5, 7-10, 30, 32, 34, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Sullivan et al. (U.S. Patent Number 6,560,656) hereinafter referred to by O'Sullivan.

14. Regarding claims 1, 30, and 49, O'Sullivan disclosed a method performed by a computer program to register a device with a remote computer, the method comprising:

obtaining feature information stored for the device, the feature information comprising information that is specific to an instance of the device, the feature information comprising an address of the remote computer, the address comprising a known address that is stored prior to installation of the device in a system (O'Sullivan, Fig. 5, 503, O'Sullivan disclosed obtaining an address and using it for registration to the network); and

registering the device with the remote computer by transmitting the feature information to the remote computer at the known address using a self-describing computer language (O'Sullivan, Fig. 5, 503, O'Sullivan disclosed obtaining an address and using it for registration to the network, col. 6, lines 47-48);

wherein the method is performed automatically when the computer program runs, and wherein the method does not require manual intervention (O'Sullivan, col.45-60).

15. Regarding claims 3 and 32, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claims 1 and 30, including wherein the known address corresponds to a Uniform Resource Locator (O'Sullivan, col. 7, lines 33-38).

16. Regarding claim 5 and 34, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claims 1 and 30, including wherein the device-specific information comprises a device type and a device instance (O'Sullivan, col. 6, lines 40-45).

17. Regarding claim 7, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claims 1 and 30, including wherein the remote computer comprises a database for storing the feature information (O'Sullivan, col. 6, lines 35-45).

18. Regarding claims 8, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claims 7, including wherein determining comprises examining the database to determine if the device was previously registered with the remote computer (O'Sullivan, col. 6, lines 47-55).

19. Regarding claim 9, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 7, including wherein said remote computer resides on a distributed computing network and the feature information is transmitted to the remote computer via the distributed computing network (O'Sullivan, col. 5, lines 55-67).

20. Regarding claim 10, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 9, including wherein the distributed computing network comprises the Internet (O'Sullivan, col. 5, line 62).

Claim 1, 30, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (U.S. Patent Number 6,012,088).

21. Regarding claims 1, 30, and 49, disclosed a method performed by a computer program to register a device with a remote computer, the method comprising:

obtaining feature information stored for the device, the feature information comprising information that is specific to an instance of the device, the feature information comprising an address of the remote computer, the address comprising a known address that is stored prior to installation of the device in a system; and

registering the device with the remote computer by transmitting the feature information to the remote computer at the known address using a self-describing computer language;

wherein the method is performed automatically when the computer program runs, and wherein the method does not require manual intervention (Li, col. 3, lines 20-40, Li disclosed an automatic configuration process to handle the task of automatically configuring the Internet access device where after the customer enters a registration number and a telephone number, the Internet access device connects to the Internet

through an ISP to a configuration server containing customer site specific configuration data and therefore must have a known address of the configuration server. Col. 9, lines 50-65, Specific information of the customer's computer is provided to the server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 5, 6, 18-23, 24-29, 31, 34, 42-44, 53, 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani.

22. Regarding claims 2, 31, 53, Rezvani disclosed the limitations, substantially as claimed, as described in claims 1, 30, and 49. Rezvani also disclosed using programming languages for communications, including markup languages (Rezvani, col. 5, lines 1-6). Rezvani also disclosed that the Installation and remote site may communicate using any suitable communications (Rezvani, col. 4, lines 55-60). Rezvani did not explicitly state wherein the computer language comprises eXtensible Markup Language (XML). However, XML is a markup language. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use XML as the markup language to communicate between the installation and the remote site.

23. Regarding claims 5, 6, 18, 19, 34, 42, 56-58, Rezvani disclosed the limitations, substantially as claimed, as described in claims 1, 7, 30, and 49, including wherein the information comprises a device instance such as a serial number (Rezvani, col. 14, lines 60-65) and model numbers of the monitoring modules (Rezvani, col. 6, lines 35-55) and configuration information (Rezvani, col. 15, lines 30-45) and manufacturer name (Rezvani, col. 9, lines 25-30). Rezvani did not explicitly state including a device type such as a model number of the device. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the determine the model number of the device based from the serial number of the device because the serial number identifies the device as shown in Rezvani (Rezvani, col. 14, lines 60-67).

24. Regarding claims 20, 24, 43, 59, Rezvani disclosed the limitations, substantially as claimed, as described in claims 7, 19, 42, including wherein the device comprises a HTTP device web server and the system information interface comprises a software application residing on the device web server, and the method further comprises:

editing the system information by accessing the system information interface via a remote web client (Rezvani, col. 15, line 55 through col. 6, line 30).

25. Regarding claims 21, 44, 60, Rezvani disclosed the limitations, substantially as claimed, as described in claim 19, 43, including transmitting the system information to the remote computer using the self-describing computer language (Rezvani, col. 5, lines 1-6, Rezvani disclosed using programming languages for communications, including

formatted markup language, which includes markup languages. XML is a markup language, and by the instant Specification, XML is a self-describing computer language).

26. Regarding claims 22 and 23, Rezvani disclosed the limitations, substantially as claimed, as described in claim 21. Claims 22 and 23 include limitations substantially similar to those of claims 15-17 and are therefore rejected under the same prior art.

27. Regarding claims 25 and 26, Rezvani disclosed the limitations, substantially as claimed, as described in claim 24, including wherein the remote computer comprises application logic to interface the remote web server and the database and the device web client transmits the feature information from the device to the remote web server, and the application logic transmits the feature information from the remote web server to the database (Rezvani, Fig. 1, 44).

28. Regarding claims 27-29 Rezvani disclosed the limitations of claims 7 and 24-26, including communicating through SMTP (Rezvani, col. 7, lines 20-35).

Claims 2, 4, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Singer et al. (U.S. Patent Number 6,834,298).

29. Regarding claims 2 and 31, O'Sullivan teaches the limitations, substantially as claimed, as described in claims 1 and 30. However, O'Sullivan does not explicitly state wherein the self-describing computer language comprises extensible Markup Language (XML). In an analogous art Singer discloses a system and method for network auto-discovery and configuration where devices sends their hardware and software descriptions to the Auto-Discovery Service using XML format (Singer, col. 6, lines 1-8). Therefore, it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the auto-discovery and configuration system off Singer into O'Sullivan in order to provide for location and monitoring of components without having to manually configure each machine (Singer, col. 1, lines 20-30).

30. Regarding claim 4, O'Sullivan teaches the limitations of claims 1. However, O'Sullivan does not explicitly state wherein the known address corresponds to a Transmission Control Protocol/Internet Protocol (TCP/IP) address. In an analogous art Singer discloses a system and method for network auto-discovery and configuration using IP addresses (Singer, col. 5, line 50 through col. 6, line 25). Therefore, it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the auto-discovery and configuration system off Singer into O'Sullivan in order to provide for location and monitoring of components without having to manually configure each machine (Singer, col. 1, lines 20-30).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Kondo et al. (U.S. Patent Number 5,586,254) hereinafter referred to by Kondo.

31. Regarding claim 6, O'Sullivan discloses the features, substantially as claimed, as described in claims 5. O'Sullivan also teaches that a lookup service, located in the remote computer's memory, contains an object/instance for each service supplied by each device. However, O'Sullivan does not specifically state wherein said device type comprises a model number of the device and the device instance is a serial number.

In an analogous art of networking, Kondo teaches a system for managing and operating network devices wherein the attributes of the devices to be managed include model number and serial number (Kondo, col.10, lines 20-33).

Therefore, it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine the system of O'Sullivan with the system of Kondo to provide detailed information about the managed network devices for the benefit of reducing the work of the network manager (col. 6, lines 9-10).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Rezvani et al. (U.S. Patent Number 6,686,838).

32. Regarding claims 11-13, O'Sullivan teaches the limitations, substantially as claimed, as described in claim 9. O'Sullivan does not explicitly state using direct, dial-

up, or wireless network connections. In an analogous art of networking, Rezvani teaches automatic registration of devices with network connections through direct, wired, and wireless connections (col. 4, lines 15-55). Therefore it would have been obvious for one in the ordinary skill in the art at the time of the invention to incorporate the communications networks of Rezvani into O'Sullivan to provide improved systems and methods for remotely registering devices and also having monitoring modules that communicate with remote sites (Rezvani, col. 1, lines 30-45).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Revashetti et al. (U.S. Patent Number 6,230,199).

33. Regarding claims 14-17, O'Sullivan, in combination with what is well known in the art, teaches the limitations of claims 7, including wherein said device includes embedded software which controls said device's functionality (O'Sullivan, col. 7, lines 25-30). However, O'Sullivan does not disclose wherein said embedded software has a specific version identifier associated with it, the database stores a software update, having a specific version identifier, and wherein software update is the newest version available, comparing said version identifier to the version identifier of embedded software to determine if an update is needed, and updating embedded software residing on device. In an analogous art of networking Revashetti discloses active marketing based on client computer configurations that contains an update information database that comprises new software including version updates, which are compared to the

software installed on client computers and determines if an update is needed and updates the version (Revashetti, col. 2, lines 50-67). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the software update of Revashetti with O'Sullivan to provide a system for the marketing of products that are not yet detected on the user's computer, based upon a combination of the absence or the presence of hardware peripherals and/or software on or connected to the client computer (col. 3, lines 1-10).

Claims 18-21, 24-26, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Iggulden (U.S. Patent Number 6,415,023) hereinafter referred by Iggulden.

34. Regarding claims 18 and 42, O'Sullivan discloses the features of the invention as described in claims 7 and 30. O'Sullivan also teaches a lookup service containing an object for each service from each device. However, O'Sullivan does not disclose the objects containing feature information comprising system information concerning the location, ownership, and configuration of the device.

In an analogous art to networking, Iggulden discloses a method for setting features of a device where the features include system information including location, ownership, and configuration of said device (col. 4, lines 40-55).

Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine the system of O'Sullivan with Iggulden to enable the

system to collect information concerning consumer's use of product features which can be useful in product marketing and new product design (Iggulden, col. 4, lines 40-45).

35. Regarding claims 19 and 43, O'Sullivan and Iggulden teach the limitations of claims 18 and 42, further comprising a system information interface for allowing the owner of said device to configure said system information (Iggulden, col. 4, lines 40-55). See above for motivation.

36. Regarding claim 20, O'Sullivan and Iggulden teach the limitations of claims 19, including wherein said device comprises a HyperText Transfer Protocol (HTTP) device web Server and the system information interface comprises a software application residing on the device web server, editing the system by accessing the system information interface via a remote web client (Iggulden, col. 3, line 62 through col. 4, line 5). See above for motivation.

37. Regarding claims 21 and 44, O'Sullivan and Iggulden teach the limitations of claims 19 and 43, further comprising transmitting the system information to the remote computer using the self-describing computer language (O'Sullivan, col. 6, lines 5, 10-15, 50-55).

38. Regarding claim 24, O'Sullivan teaches the limitations of claim 7. However, O'Sullivan does not disclose wherein the device includes a device web client and the remote computer comprises a HyperText Transfer Protocol (HTTP) remote web server.

In an analogous art, Iggulden teaches a web server connected to devices through the web (Iggulden col. 3, lines 60 through col. 4, line 5). See above for motivation.

39. Regarding claim 25, O'Sullivan and Iggulden teach the limitations of claim 24, including wherein the remote computer comprises an application logic to interface the remote web server and the database (O'Sullivan col. 6, lines 40-55). See above for motivation.

40. Regarding claim 26, O'Sullivan and Iggulden teach the limitations of claim 25, including wherein the device web client transmits the feature information from the device to the remote web server, and the application logic transmits the feature information from the remote web server to the database (O'Sullivan, col. 6, lines 45-55). See above for motivation.

Claims 22, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Iggulden as applied to claims 19 and 43 above, and further in view of Revashetti et al. (U.S. Patent Number 6,230,199).

41. Regarding claims 22-23, O'Sullivan and Iggulden teach the limitations of claims 19 and 43. However, O'Sullivan and Iggulden do not disclose comparing system information on the remote computer to system information on the device to determine if the database on the remote computer needs to be updated with the system information on the device. In an analogous art of networking Revashetti discloses active marketing based on client computer configurations that contains an update information database that comprises new software including version updates, which are compared to the software installed on client computers and determines if an update is needed and updates the version (Revashetti, col. 2, lines 50-67). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the software update of Revashetti with O'Sullivan and Iggulden to provide a system for the marketing of products that are not yet detected on the user's computer, based upon a combination of the absence or the presence of hardware peripherals and/or software on or connected to the client computer (col. 3, lines 1-10).

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Narasimhan et al. (U.S. Patent Number 6,446,192).

42. Regarding claims 27-29 O'Sullivan teaches the limitations of claim 1. However, O'Sullivan does not disclose wherein the device comprises a device mail client and the remote computer comprises a Simple Mail Transfer Protocol (SMTP) remote mail server, wherein the remote computer comprises application logic to interface the remote

mail server and the database, and wherein the device mail client transmits the feature information from the device to the remote mail server, and the application logic transmits the feature information from the remote mail server to the database. In an analogous art of networking, Narasimhan discloses a remote monitoring and control of equipment over computer networks using an interfacing chip wherein devices can use e-mail transmission for various purposes including transmitting device status to a database server which collects and interprets the data in the message and stores it into a database (Narasimhan, col. 18, lines 1-15). Therefore it would have been obvious for one in the ordinary skill in the art at the time of the invention to incorporate Narasimhan into O'Sullivan to provide an improved apparatus and method for providing remote controlling and monitoring of a device over a computer network, reducing the complexity and size of remote monitoring systems (Narasimhan, col. 2, lines 10-20).

43. Claims 53-60 include limitations substantially similar to claims 1-34, 42-44, and 49 and are therefore rejected under the same art as being substantially similar.

Response to Arguments

Applicant's arguments filed 19 August 2005 have been fully considered but they are not persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by adding new limitations to independent claim 1, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

In response to the 112 first issues, Applicant has amended the independent claims "to clarify that the feature information comprises an address of the remote computer and that the address comprises a known address that is stored prior to installation of the device in the system" [see Applicant's response, page 13]. Applicant further explains, "the device could not check remote computer 12 at initial installation and power-up if it did not know the address of remote computer at initial installation and power-up, which means that the address had to have been stored prior to installation of the device".

Examiner agrees with Applicant that the device must have had the address of the remote computer in order to connect to the remote computer. As long as the device contains the address before connecting to the remote device, the claimed invention is satisfied. Therefore, it does not matter how the device obtains the address, whether it is through a discovery process, or entered in by a user, as long as the device has the address before registering and the registration process is automatic, the claimed invention is satisfied. The address must be somehow stored in memory in order to use it.

Applicant's arguments include that 'the term "self-describing computer language" is a term that is clearly understood in the art as evidence by the attached publication entitled "Mainstreaming XML-Based Enterprise Applications" (see, e.g., page 2 thereof).' Applicant further says, "For example, one type of self-describing computer language, such as XML, contains tags that define data being transmitted."

Examiner has reviewed page 2 of the attached publication and was unable to find any definition or even any mention of the term "self describing computer language". The only text that is remotely close to the matter is that "XML creates self-describing documents—called XML documents—where the tag-sets themselves are infinitely extensible. There is no mention of the term, "self-describing computer language". There is only mention of defining what XML produces, which is not the same. This does not provide a clear and concise definition of the term, making it unclear for Examiner to perform a proper search and consideration of the claimed invention. Until Applicant provides evidence defining "self-describing computer language", Examiner will give the term its broadest reasonable interpretation, which does not exclude any other programming language. Examiner maintains the 112, second, rejection.

Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that O'Sullivan clearly teaches the independent claims of the Applicant's claimed invention.

Applicant's arguments with respect to claim 1 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to

differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by O'Sullivan as well as other prior arts of records disclosed automatic device registration is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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